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APR 05 2002

TECH CENTER 1600/2002

Date: April 2, 2002

Docket No.: 0230-0148P

Appl. No.: 09/509,945

Conf. No.: 8943

| 04/03/2002 CHNGUYEN 00000071 09509945

BOX CPA

Assistant Commissioner for Patents
Washington, DC 20231

01 FC:131
02 FC:103
03 FC:102
04 FC:104
05 FC:117

740.00 OP
180.00 OP
168.00 OP
280.00 OP
920.00 OP

Sir:

This is a Request for filing a continued prosecution application under 37 C.F.R. § 1.53(d) of prior Application No. 09/509,945 entitled MUTANT BARNASE GENE AND TRANSGENIC PLANT TRANSFORMED BY SAID GENE by the following named Inventor(s):

HAMADA, Kazuyuki; and NAKAKIDO, Fumio

☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).

a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

The above-identified prior application, in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all of the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

MAIL ADDRESS: P.O. BOX 747, FALLS CHURCH, VIRGINIA, USA 22040-0747

APR 05 2002

TECH CENTER 1600/2000, 945
App. No. 1600/2000

1. ☐ Enter the Amendment previously filed , under 37 C.F.R. § 1.116 but unentered, in the prior application.
2. ☐ A Preliminary Amendment is enclosed.
3. ☐ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
4. ☐ A new power of attorney or authorization of agent is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$740.00	\$370.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	30-20=	10	x 18 = \$180.00	x 9 = \$0.00
INDEPENDENT CLAIMS	5-3=	2	x 84 = \$168.00	x 42 = \$0.00
<input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$280.00	+ \$140.00
TOTAL			\$1,368.00	\$0.00

5. ☐ Small entity status: Applicant claims small entity status. See 37 C.F.R. § 1.27.
6. ☐ Priority of Application No(s). filed in on is claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on .
7. ☒ Priority of International Appl. PCT/JP99/04167 filed on August 3, 1999 under the Patent Cooperation Treaty and Japanese Application No(s). 220060/1998 filed in JAPAN on August 4, 1998 under 35 U.S.C. § 119 are hereby reclaimed.

8. ☒ , Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
Telephone: (703) 205-8000
or
Customer No. 2292

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TECH CENTER 1600/2900

9. ☒ The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$920.00 is required for the full period of the above-requested extension of time.

☐ An extension of () month(s) was previously requested and paid for on in the prior application. Thus, a fee of \$0.00 is required to obtain an additional () month(s) in order to establish co-pendency with the present application.

10. ☐ Applicant requests suspension of action under 37 C.F.R. § 1.103(b) for a period of () months (not to exceed 3 months) and the fee of \$130.00 under 37 C.F.R. § 1.17(i) is enclosed.

11. ☒ Check(s) in the amount of \$2,288.00 is/are enclosed.

12. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.

13. ☐ The filing fee is NOT attached. Please issue a Notice requesting the filing fee.

14. ☐ Also enclosed herewith is the following:

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all of the other applications in the same file wrapper.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *Gerald M. Murphy, Jr.*
Gerald M. Murphy, Jr., #28,977

MaryAnne Armstrong, PhD., #40,069

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Attachments

(Rev. 02/20/02)